

RESPONSIVENESS SUMMARY
ADDRESSING PUBLIC COMMENTS ON THE
NOTICE OF INTENT FOR PARTIAL DELETION OF THE
LAKE SANDY JO SUPERFUND SITE, GARY, INDIANA
FROM THE NATIONAL PRIORITIES LIST
April 9, 2021

INTRODUCTION

EPA published a Notice of Intent for Partial Deletion of the Lake Sandy Jo Superfund Site (Lake Sandy Jo Site or Site), located in Gary, Indiana from the National Priorities List (NPL) in the *Federal Register* on November 20, 2020 (85 FR 74306).

EPA's publication of this notice was intended to: 1) inform the public that EPA planned to delete the land/soil portion of the Landfill Property and certain identified adjacent parcels of land in Operable Unit 1 (OU1) of the Site from the NPL (*see* Figure 1); and 2) provide a 30-day public comment period on the proposed partial deletion. The closing date for comments on the Notice of Intent for Partial Deletion was December 21, 2020.

EPA proposed to delete the land/soil portion of the Landfill Property and identified adjacent parcels of the Site from the NPL because EPA and the State of Indiana, through the Indiana Department of Environmental Management (IDEM), determined that all appropriate response actions under CERCLA, other than operation and maintenance (O&M), monitoring, long-term stewardship (LTS) of the Site including monitoring the institutional controls (ICs), and five-year reviews (FYRs), have been completed for these portions of the Site.

The portions of the Site that will remain on the NPL include:

- (1) the property adjacent to the Landfill Property that is not included in this partial deletion;
- (2) the groundwater portion of OU1;
- (3) the marshy area and drainage ditches south of the Site, to which shallow groundwater discharges; and
- (4) Operable Unit 2 (OU2) of the Site, which involved connecting area residences to the municipal water supply.

Additional information about the Lake Sandy Jo Site and EPA's proposed partial deletion can be found in EPA's *Site-Specific Justification for the Partial Deletion from the National Priorities List of Operable Unit 1 (OU1) – Land/Soil Portion of Landfill Property and Adjacent Parcels Lake Sandy Jo Superfund Site, Gary, Indiana* (October 2020) which is available at: <https://semspub.epa.gov/work/05/961435.pdf>.

EPA prepared this Responsiveness Summary to provide a response to the comments submitted to EPA during the 30-day public comment period regarding the proposed partial deletion. Two residents living near the Site submitted comments. A third comment was made on Regulations.gov and included general comments on the content and wording of EPA's November 20, 2020 *Federal Register* notice. The original comments are included in Attachment 1 of this Responsiveness Summary, which is available at <https://www.regulations.gov>, Docket ID EPA-HQ-SFUND-1983-0002 and on EPA's webpage for the Site at <https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.scs&id=0501611&doc=Y&colid=39709®ion=05&type=SC>.

COMMUNITY COMMENTS AND EPA OUTREACH

During the public comment period, EPA received comments from two residents living near the Lake Sandy Jo Site and general comments on EPA's *Federal Register* notice. On December 16, 2020 and December 17, 2020, the EPA Region 5 NPL Deletion Coordinator spoke with one of the residents who submitted comments. During these calls EPA provided the resident with additional information about the Site, explained the proposed deletion, comment period, and deletion process, and answered the resident's questions.

The residents' comments said that they and many others in their community were concerned that the Site was still contaminated and that there were other contaminated Sites in the area. They were concerned that EPA was proposing to delete the Site from the NPL to eliminate EPA's responsibility for the Site. The residents requested that EPA hold a public meeting to provide the community with information about the Lake Sandy Jo Site and other sites in Gary, and to provide the community with copies of the reports proving that the Site is no longer contaminated. The residents were also concerned about impacts from a recent fire that spread to part of the Site, the timing of the public comment period, the need to update the information repository at the Gary Public Library, redevelopment, and IDEM's ability to provide O&M and LTS of the Site, including monitoring the ICs.

The Deletion Coordinator sent an email to both commenting residents on December 28, 2020. The email confirmed EPA's receipt of the residents' comments and explained EPA's process for evaluating and responding to the comments. The email provided the residents with additional information about the Site, a copy of EPA's *Site-Specific Justification for the Partial Deletion* report, IDEM's most recent annual inspection report for the Site, and links to the Site's land use restrictions and other reports in the online Deletion Docket. The email also explained that EPA and IDEM's involvement at the Site, including O&M, inspections, monitoring, LTS of the Site including monitoring the land use restrictions, and Five-Year Reviews (FYRs), would continue even if the Site was deleted or partially deleted from the NPL.

On December 31, 2020, and on January 15, 2021, the EPA Remedial Project Manager (RPM), Sheri L. Bianchin, sent several emails to the residents. The RPM informed the

residents of EPA's upcoming 2021 FYR for the Site and requested the residents' availability to participate in a virtual meeting with EPA and IDEM to discuss the Lake Sandy Jo Site. The RPM also explained that the timing of a public meeting or availability session would be difficult, due to safety concerns associated with the COVID pandemic. The RPM based her decision on current EPA guidance regarding the pandemic. On January 4, 2021, the Deletion Coordinator sent both residents an email responding to their request to provide them with additional information about community involvement at the Site as well as a copy of the other comments received during the public comment period.

At the request of one of the residents, EPA scheduled a virtual meeting for February 23, 2021. Multiple emails were exchanged in planning that meeting. The meeting was held on Microsoft Teams and lasted approximately 1.5 hours. The meeting was attended by the two residents, the Director of the City of Gary's Department of Sustainability and Environmental Affairs, technical, legal and community involvement staff from EPA, and the IDEM project manager for the Site.

During the meeting, EPA provided the residents with background information about the Site and the cleanup. EPA explained how the Site met EPA's partial deletion criteria and why EPA proposed a portion of the Site for deletion. EPA also discussed the land use restrictions at the Site and the potential for Site redevelopment. IDEM discussed the fire that had spread to part of the Site, IDEM's O&M, and the long-term groundwater monitoring program. EPA reminded the residents that EPA was currently performing a FYR evaluation for the Site and that EPA will continue to conduct FYR evaluations into perpetuity since there is waste left in place. The RPM further explained that the community is welcome to provide comments during the FYR evaluation process and to contact the RPM with any questions or concerns at any other time.

EPA and IDEM listened to the residents' concerns. The residents' concerns extended beyond the Lake Sandy Jo Site and encompassed many different sources of contamination in various media throughout the heavily industrialized, low-income area around the Site. In response, EPA suggested that the residents' concerns might best be served by connecting them with EPA's Regional Environmental Justice (EJ) Coordinator. The residents agreed. EPA representatives stated they would also explore other avenues to address the residents' concerns, including consulting with their sister agency known as Agency for Toxic Substances and Disease Registry (ATSDR) to address public health concerns.

EPA's Community Involvement Section consulted with the Region 5 EJ Coordinator, the Region 5 Air and Radiation Division, and IDEM about the residents' concerns. On March 8, 2021, the Community Involvement Section sent the residents the contact information for the Regional EJ Coordinator Kathy Triantafillou, who may be reached at triantafillou.kathy@epa.gov or at (312) 353-4293. The email also provided the residents with instructions for reporting environmental complaints and concerns to IDEM. Also, on March 2 and March 3, 2021, the RPM consulted with the Acting Regional Director for the ATSDR Office of Community Health and Hazard Assessment (OCHHA) about the

residents' concerns and requested any assistance ATSDR could provide. The EPA EJ Coordinator has been in contact with one of the residents and is evaluating available options for addressing the community's concerns. Additionally, the RPM emailed the residents with follow-up information about ATSDR and indicated she would let them know if she identified other available opportunities to address their concerns. The RPM also reminded the residents about the upcoming Sixth FYR, explained that their concerns would be captured within the document, and encouraged them to contact her with any additional questions or concerns.

IDEM's Environmental Manager sent emails on February 23 and 25, 2021, providing 1) contacts at the IDEM Office of Land Quality (OLQ) for reporting environmental concerns and 2) information about filing environmental complaints at IDEM, should the need arise. He also provided the website for IDEM's Virtual Filing Cabinet (VFC), which allows public access to Site records.

On March 9, 2021 and March 15, 2021, the Deletion Coordinator sent emails to one of the residents requesting clarification on two of the resident's comments. The resident responded on March 10, 2021 and March 15, 2021. On March 10, 2021 the Deletion Coordinator sent both residents an email with additional information about the land use restrictions at the Site, IDEM's solid and hazardous waste regulations and permitting process, internet links to information about the other Superfund sites in Gary, Indiana and EPA's "Cleanups in My Community" webpage, and a link to information about applying for an EPA EJ grant.

Residents with additional questions and concerns about the Lake Sandy Jo Site should contact the EPA RPM, Sheri Bianchin at bianchin.sheri@epa.gov or (312) 886-4745 or Justin Hodgson, Environmental Manager Indiana Department of Environmental Management, at JHodgson@idem.IN.gov or (317) 232-3220. Information about the other Superfund sites in Gary, Indiana is provided in EPA's Response to Resident Comment No. 9 below. If the community would still like to discuss scheduling a community meeting about the Lake Sandy Jo Site or the other Superfund sites in Gary, Indiana, please contact EPA's Regional EJ Coordinator or EPA's Community Involvement Section Chief, Phillippa Cannon at cannon.phillippa@epa.gov or at (312) 353-6218.

The specific comments that the residents and the other commenter submitted during the public comment period for the Lake Sandy Jo Site are summarized below, along with EPA's responses. The original comments are included in Attachment 1 of this Responsiveness Summary. This Responsiveness Summary and the documents that support the partial deletion are available for review at <https://www.regulations.gov>, Docket ID EPA-HQ-SFUND-1983-0002 and on EPA's webpage for the Site at <https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.scs&id=0501611&doc=Y&colid=39709®ion=05&type=SC>. A copy of this Responsiveness Summary will also be sent to the two residents, the Director of the City of Gary's Department of Sustainability and Environmental Affairs, the City of Gary's Redevelopment Officials, EPA's Region 5 EJ Coordinator, and IDEM. EPA carefully considered all comments in consultation with IDEM before making its final

recommendation to move forward with deleting the land/soil portion of the Landfill Property and other adjacent parcels from the NPL.

COMMENTS

Resident Comment No. 1: People in our community are concerned that the Lake Sandy Jo Site is still contaminated. Several Site contaminants warrant community engagement and outreach so the community can understand the risks and health impacts to this already burdened community. EPA should provide some type of community forum to discuss Lake Sandy Jo and educate the community before a final decision is made to delete the Site from the NPL.

There are concerns EPA wants to take the Lake Sandy Jo Site off the NPL to eliminate EPA's responsibility for the Site. EPA must provide copies of the studies and the reports that EPA is relying on to prove that the Site is not contaminated. EPA should also provide scientific data regarding the cancer rates, asthma rates and other health problems of residents who live near the Site. Have these numbers decreased or increased over the years? The decision to delete the Site from the Superfund list should be grounded in science.

EPA Response: EPA proposed to delete part of the Lake Sandy Jo Site from the NPL because the cleanup for this portion of the Site is complete, protects human health and the environment, and does not require any further action other than continued O&M, monitoring, LTS of the Site including monitoring ICs, and FYRs.

The technical basis for EPA's proposed partial deletion of the Lake Sandy Jo Site is summarized in EPA's *Site-Specific Justification for the Partial Deletion* report (see <https://semspub.epa.gov/work/05/961435.pdf>) and documented by approximately 120 Site reports spanning over 35 years. As indicated in EPA's newspaper ad and press release about the proposed partial deletion, these documents are available for review online at <https://www.regulations.gov>, Docket ID EPA-HQ-SFUND-1983-0002 and on EPA's webpage for the Site at <https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.scs&id=0501611&doc=Y&colid=39709®ion=05&type=SC>.

EPA evaluated, selected, and implemented the cleanup remedy for the Lake Sandy Jo Site approximately 35 years ago and the community was involved in the remedy selection process. As with most landfills, the cleanup is an on-Site containment remedy which involves managing the large volume of relatively low-level waste (over 35 acres of predominantly solid waste) in-place through engineering controls. The cleanup involved (among other things) constructing a two-foot thick soil cover over the surface of the landfill to prevent people from contacting the landfilled materials, which remain below the soil cover. A community meeting held in August 1986 was attended by approximately 50 people. At that time the community's main concern was getting connected to municipal water, which EPA completed in 1994.

The cleanup also includes land and groundwater use restrictions and conducting O&M, monitoring, and FYRs to ensure that the remedy remains protective over the long term. EPA conducted the last FYR in 2016 and determined that the cleanup for the land/soil portion of the Landfill Property and adjacent properties included in this partial deletion is protective because the soil cover, fence, and ICs prevent people from contacting any landfill contaminants. However, ICs still need to be implemented for a few properties and the groundwater is not fully cleaned up, so portions of the Site will remain on the NPL. EPA expects to complete its next FYR in July 2021.

Finally, deleting part of the Lake Sandy Jo Site from the NPL does not mean EPA or IDEM will no longer be involved with the Site. O&M, Site inspections, monitoring, LTS including monitoring ICs, and FYRs will continue. The Sixth FYR evaluation is currently being conducted, and sites that have been deleted or partially deleted from the NPL remain eligible for future cleanup actions should conditions warrant.

EPA and IDEM met with the two commenting residents and the Director of the City of Gary's Department of Sustainability and Environmental Affairs on February 23, 2021 to determine what additional community follow-up would be needed (see Community Comments and EPA Outreach section above). Based on that meeting, EPA and the residents agreed that the residents' and community's concerns might best be addressed by working through EPA's Regional EJ Coordinator. The EPA EJ Coordinator has been in contact with one of the residents and is evaluating available options for addressing the community's concerns. The RPM is also exploring other opportunities to address the citizens' concerns about environmental issues in the area.

Resident Comment No. 2: The Site is in an EJ community which faces disproportionate health impacts and multiple environmental stressors. A longer comment period and alternate means of submitting comments should be allowed.

EPA Response: EPA accepted comments on the proposed partial deletion during a 30-day public comment period, held from November 20, 2020 to December 21, 2020. EPA accepted comments via email or by following the instructions at <https://www.regulations.gov>. Unfortunately, due to the COVID-19 pandemic, written comments submitted by mail were temporarily suspended and no hand deliveries were accepted.

EPA received emailed comments from two residents living near the Site and general comments on EPA's *Federal Register* notice on Regulations.gov from someone living in another state. Both residents' comments included comments indicating that the community should be given additional time to comment on the partial deletion. However, EPA was not contacted by any other residents regarding the proposed partial deletion.

EPA provided the residents who submitted comments with additional information about the Site and had a virtual meeting with the residents on February 23, 2021. Following these information exchanges, the residents did not request a re-opening of

the public comment period. During the February 23, 2021 meeting, EPA also informed the residents about the upcoming 2021 FYR for the Site and encouraged the residents to help inform other community members to contact EPA with any questions or concerns about the Site for EPA and IDEM to address as part of the FYR process.

Resident Comment No. 3: There are unanswered questions in the last FYR that warrant further investigation so the community can make a sound decision regarding the deletion and subsequent redevelopment of the Site, specifically the statement that there is no distinct plume of groundwater contamination that can be delineated at the Site.

EPA Response: Groundwater has not been fully cleaned up and is not included in the proposed partial deletion. The partial deletion only pertains to the land/soil portion of the Landfill Property and specific adjacent parcels of land. Groundwater and other portions of the Site will remain on the NPL.

Also, the statement that there is no distinct plume of groundwater contamination at the Site confirms the effectiveness of the cleanup and shows that EPA's remedy is working. In 2020, only one contaminant, benzene, was detected above drinking water standards in groundwater monitoring wells (MW-006 and MW-014). Benzene was not detected in any of the downgradient monitoring wells (MW-023R, MW-026, or MW-027). If there was a distinct plume of groundwater contamination that could be delineated at the Site, that would mean that any remaining groundwater contaminants at the Site were widespread and affecting a larger area.

It is important to note that the contaminated groundwater at the Lake Sandy Jo Site is not used as a water supply. In the 1990s, EPA extended municipal water mains to about 60 residences that could be affected by Site-related groundwater contamination. Also, MW-006 is on property covered by a September 6, 1995 Declaration of Restrictive Covenants which prohibits groundwater use. MW-14 is located on the Indiana Department of Transportation's property between the Site and Interstate-80/94 and is not used to supply water. EPA and IDEM also suspect that a junk yard adjacent to the Landfill Property may be contributing to the benzene exceedances.

Resident Comment No. 4: Community notification and subsequent protective measures were not in place during a fire at the Site on November 5, 2020. The air sampling results were not shared with the community after the fire, and a Public Health study was not conducted.

EPA Response: IDEM conducts long-term O&M at the Site. IDEM Emergency Response (ER) personnel were on-Site with the Gary Fire Department (FD) during the fire. According to reports, the fire started south of Interstate-80/94 and spread across the Interstate to the southeast portion of the Site. News reports indicate that an area in the vicinity of the fire was evacuated.

IDEM ER notified the IDEM Site Manager (SM) about the fire and asked about the drums stored on-Site. The SM informed ER that the drums just contained rainwater and

purge water collected during groundwater monitoring. ER informed the SM that the Gary FD had contained the fire.

The SM traveled to the Site on November 10, 2020 to inspect the Site for damage. The SM noticed a few small areas around the Site that were still smoldering or had open flames and notified ER and the Gary FD. The SM met ER and the FD at the Site and the FD managed the few remaining fires. The SM discussed the fire with several members of the Gary FD.

The only damage to the Site was to the vegetative covering over the two-foot thick soil cover on the eastern portion of the Site, particularly in the southeastern portion. The two-foot thick protective soil cover barrier above the waste, the fence, and the monitoring wells were all intact. The SM will reassess the vegetation in the spring when it regrows and arrange for any necessary repairs. The SM did not observe any fire damage in the area where the drums are being stored. However, there was more significant damage to the adjacent (east) junkyard outside the Site fence, on property owned by a private party and not under EPA or IDEM management.

Site-related air sampling and a public health study were not conducted after the fire because the Site-related damage was limited to the vegetative cover on top of the two-foot thick soil cover (i.e., a brush fire), and there was no indication of a release of hazardous substances below the soil cover to the nearby residential area. Other material, especially from the junkyard adjacent to the Landfill Property, was burning and may have led to the strong noxious smell the residents reported.

EPA recognizes and understands the community's concerns with air pollution and overall exposure to contaminants in this industrialized, low-income area. EPA has taken steps to connect the community with EPA's Regional EJ Coordinator. EPA is also consulting with ATSDR to determine whether additional measures or studies (not necessarily Site-related) may be warranted. The IDEM Site Manager indicated IDEM would conduct air sampling if there was any indication the landfill contaminants below the cap or in Site groundwater posed a threat via the air pathway.

The Director of the City of Gary's Department of Sustainability and Environmental Affairs encourages all Gary residents to report any pollution or environmental concerns to the City by contacting the City's Citizen Responder Hotline at 3-1-1. IDEM also urges residents to submit environmental concerns and complaints to IDEM's Complaints Coordinator via email at info@idem.IN.gov, by calling 1-800-451-6027, Option 3, or through an online form at <https://apps.idem.in.gov/complaintform/default.aspx>. Additional information about submitting complaints to IDEM is available at <https://www.in.gov/idem/5274.htm>.

Finally, EPA is working on the upcoming FYR and updating the LTS Plan for the Site and will include the City of Gary's Environmental Office as a contact for any Site-related updates or emergencies.

Resident Comment No. 5: EPA’s information repository has not been maintained at the Gary Public Library. The latest documents date back to 1999. Not having an information repository makes it difficult for people to get access to information outside of doing a FOIA.

EPA Response: EPA apologizes for more recent Site documents not being available in the information repository at the Gary Public Library. We will update the repository as soon as practicable once our Records Center staff are able to return to the office due to limitations associated with the COVID pandemic. For the past several years, however, many Site reports and documents, including FYRs, RODs, and other reports have been available on EPA’s webpage for the Site at <https://cumulis.epa.gov/supercpad/cursites/csitinfo.cfm?id=0501611>. These reports can also be found by doing an internet search for “Lake Sandy Jo” on a web browser or on EPA’s website at <https://www.epa.gov>. The Site webpage also lists the EPA staff members who can be contacted with questions and for additional information about the Site. The sign posted at the Site entrance also includes IDEM’s contact information.

Additionally, as indicated in EPA’s newspaper ad and the press release announcing the proposed partial deletion, over 120 Site reports and documents supporting the partial deletion are available for online review and can be downloaded from <https://www.regulations.gov>, Docket ID EPA-HQ-SFUND-1983-0002 and from EPA’s webpage for the Site at <https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.scs&id=0501611&doc=Y&colid=39709®ion=05&type=SC>.

If there are any other questions about the Lake Sandy Jo Site or if additional information is needed, please contact:

- EPA RPM: Sheri Bianchin at (312) 886-4745 or bianchin.sheri@epa.gov
- EPA Community Involvement Coordinator: Janet Pope at (312) 353-0628 or pope.janet@epa.gov
- IDEM SM: Justin Hodgson at (317) 232-3220 or JHodgson@idem.IN.gov.

Resident Comment No. 6: Details of IDEM’s ability to provide oversight and maintain ICs were not shared with the public.

EPA Response: IDEM has been conducting regular site inspections, groundwater monitoring, and other O&M activities at the Lake Sandy Jo Site since 1994 in accordance with an August 19, 1990, State Superfund Contract agreement with EPA. A summary of the ICs and IDEM’s past and current O&M activities at the Site was provided to the public on pp. 6–7 of the *Site-Specific Justification for the Partial Deletion* report (see <https://semspub.epa.gov/work/05/961435.pdf>) and in over 50 O&M and IC-related documents dated between 1990 to 2020 in the Partial Deletion Docket. These reports include O&M plans, sampling plans, quality assurance plans, site inspection reports, groundwater monitoring reports, FYRs, and the enforceable, recorded ICs for the Landfill Property and adjacent properties included in this partial deletion (see Appendix A in the

Site-Specific Justification for the Partial Deletion for an index of the reports included in the Deletion Docket). These reports are available for online review and download at <https://www.regulations.gov>, Docket ID EPA-HQ-SFUND-1983-0002 and at EPA's webpage for the Site at <https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.scs&id=0501611&doc=Y&colid=39709®ion=05&type=SC>.

Resident Comment No. 7: The amount of medical waste being generated by the COVID-19 pandemic should not find its way to the closed landfill via the issuance of a special /hazardous waste permit. We don't know what can or will happen so we need these items in place to ensure it can never accept medical waste.

EPA Response: The Lake Sandy Jo Site is a remediated site that has been capped and closed to waste acceptance of any type for over 30 years. Also, the enforceable land use restrictions for the Landfill Property:

...prohibit any use of the Real Estate that may interfere with the response activities, long-term monitoring, maintenance of soil cover, or measures necessary to assure the effectiveness and integrity of any response activities, long-term monitoring, maintenance of soil cover, or measures necessary to assure the effectiveness and integrity of any response action, or component thereof, selected or undertaken at the Real Estate. Among the prohibited activities are actions that damage or prevent access to any monitoring wells for the site, damage or prevent maintenance of the fence that surrounds the site or damage the integrity of the soil cover of the site.

and provide that the owner:

May not engage in excavation or construction activities of any kind on the Real Estate of soil anywhere within the Real Estate (including ditches, buildings, wells, pipes, or roads) unless approved in writing in advance by IDEM and U.S. EPA.

Solid and hazardous waste permits are issued and managed by the Indiana Department of Environmental Management and must follow strict regulations and permitting requirements. Additional information can be found at: <https://www.in.gov/idem/waste/2331.htm>

Based on the Site ICs, current Site conditions, and other regulations, it appears unlikely the Site would meet IDEM's current permitting requirements, nor would EPA approve the use of the landfill for any waste disposal activities since this would interfere with EPA's remedy.

Resident Comment No. 8: EPA should make sure that there is a realistic plan and strategy to redevelop the Lake Sandy Jo Site once it is scientifically proven that the Site should come off the Superfund list. As stewards of the land, it is very important that we

all work together to leave the land in a better condition than when we found it. The fact that other surrounding communities have been able to repurpose their former waste sites is further evidence that Gary should be able to do the same with the Lake Sandy Jo Site. It is important that the resources and attention given to other communities which have helped them to successfully repurpose their former waste sites also be provided to Gary to redevelop and repurpose Lake Sandy Jo. Some examples include the Portage Lakefront & Riverwalk in Portage, Indiana; Centennial Park in Munster, Indiana; and Lost Marsh Golf Course in Hammond, Indiana.

EPA Response: The cleanup for the land/soil portion of the Landfill Property and identified adjacent properties is complete and meets EPA's criteria for deletion under 40 CFR 300.425(e) of the National Contingency Plan. (see EPA's Response to Resident Comment No. 1). Also, EPA has been working with the City of Gary to return the Lake Sandy Jo Site to use for several years.

EPA completed reuse assessments of the Lake Sandy Jo Site and the other NPL sites in Gary, Indiana, in 2005 and 2007 (see <https://semspub.epa.gov/work/05/958788.pdf> and <https://semspub.epa.gov/work/05/930760.pdf>). The reuse assessments noted that the 1986 remedy for the Lake Sandy Jo Site required deed restrictions that prohibited future redevelopment at the Site and recommended that EPA and IDEM evaluate whether some limited use of the Site would be acceptable.

EPA and IDEM re-evaluated the Site and issued an Explanation of Significant Differences (ESD) in 2008 that modified the cleanup remedy to allow for recreational and/or limited commercial use of the Site (see <https://semspub.epa.gov/work/05/311151.pdf>). EPA and IDEM also worked with the City of Gary, which owns the 35-acre Landfill Property and other adjacent Site property, and other property owners, to record updated Environmental Restrictive Covenants for the Site consistent with the 2008 ESD.

In 2020, EPA proposed to delete the completed portions of the Site from the NPL to further support Site redevelopment. However, since neither EPA nor IDEM own the Site, the agencies have no authority over how or when the Site will be redeveloped, except to ensure that any redevelopment is consistent with the requirements of the 1986 ROD, the 2008 ESD, and the Site ICs.

For additional information about EPA assistance with redevelopment, please contact Thomas Bloom, EPA Region 5 Redevelopment Coordinator at bloom.thomas@epa.gov or (312) 886-1967. Specific concerns regarding redevelopment at the Lake Sandy Jo Site should be directed to City of Gary officials. Two officials in the City of Gary's Redevelopment Department are: Eric Reaves, Executive Director of Community Investment who may be contacted at ereaves@gary.gov or (219) 881-1367 and AJ Bytnar, Executive Director of Redevelopment, who may be contacted at ajbytnar@gary.gov or at (219) 886-1531.

Resident Comment No. 9: The Lake Sandy Jo Site and the contaminated waste sites on the west side of Gary must be completely decontaminated so that they are no longer health and safety hazards for the residents of Gary. EPA should also provide information regarding the J-Pit and the former landfill off of Colfax street in Gary. Gary is a great American city and it is important that everyone work together to make sure that the city is healthy and safe. The children in our community deserve a safe, clean, and healthy environment.

EPA Response: EPA evaluated, selected, and implemented the cleanup remedy for the Lake Sandy Jo Site over 30 years ago and the community was involved in the remedy selection process (see EPA Response to Resident Comment No. 1). As with most landfills, the cleanup is an on-Site containment remedy which involves managing the large volume of relatively low-level waste (over 35 acres of predominantly solid waste) in-place through engineering controls and other measures.

Information about the other NPL sites in Gary, Indiana can be found on EPA's website at:

Gary Development Landfill:

<https://cumulis.epa.gov/supercpad/cursites/csitinfo.cfm?id=0501517>

Midco I: <https://cumulis.epa.gov/supercpad/cursites/csitinfo.cfm?id=0501761>

Midco II: <https://cumulis.epa.gov/supercpad/cursites/csitinfo.cfm?id=0501800>

Ninth Avenue Dump:

<https://cumulis.epa.gov/supercpad/cursites/csitinfo.cfm?id=0501816>.

There is also information about the U.S. Steel Gary Works Corrective Action Cleanup at:

<https://www.epa.gov/hwcorrectiveactionsites/hazardous-waste-cleanup-us-steel-gary-works-facility-gary-indiana#Status>

Information about other cleanups in Gary, Indiana can be found on EPA's "Cleanups in My Community" webpage at:

<https://www.epa.gov/cleanups/cleanups-my-community>.

Residents may also contact the City of Gary's Department of Sustainability and Environmental Affairs at (219) 882-3000.

Public Comment on Regulations.gov: The *Federal Register* notice does not include an explicit definition of the term "partially delete". This should be defined to avoid confusion. Partially delete could mean that only a small portion of the site in question is being removed from the NPL. If this is the case, how can EPA call one portion of a site

safe while it is still in close proximity to the rest of the site that is still deemed unsafe or threatening to public health? Partially delete could also mean the site is moving to some sort of transition stage, technically off the list but not entirely deemed clear yet. It is not particularly clear given the wording of the rule.

A site should not be removed from the NPL simply because it does no longer presents a “significant risk to public health”. If a site can still pose a threat to public health or the environment, even if it is not deemed “significant” by EPA, it still requires some level of attention. Remedial work and the “taking of remedial measures” should continue at the site until it poses no threat to public safety or its surrounding environment.

EPA Response: This information is included in the November 20, 2020, *Federal Register* notice (see <https://semspub.epa.gov/work/05/2003154.pdf>).

Section I of the *Federal Register* notice states that the partial deletions are proposed consistent with EPA’s Notice of Policy Change: Partial Deletion of Sites Listed on the National Priorities List (60 FR 55466), November 1, 1995. This document describes partial deletions and EPA’s partial deletion policy in more detail and is publicly available at: <https://www.govinfo.gov/content/pkg/FR-1995-11-01/pdf/95-27069.pdf>.

The November 20, 2020, *Federal Register* notice (85 FR 74306) also specifies that the site media or areas proposed for deletion are specified in Table 2 of the notice. For the Lake Sandy Jo Site, Table 2 specifies that the proposed partial deletion pertains to the “Soil media of the Landfill Property and identified adjacent parcels of OU1 land”.

The “Summary” section of the *Federal Register* notice (85 FR 74306) clarifies that EPA is proposing these sites for partial deletion because EPA and the states have determined that “all appropriate response actions under CERCLA, other than operation and maintenance, monitoring, and five-year reviews, where applicable, have been completed” (emphasis added). Section IV further explains:

The NCP permits activities to occur at a deleted site or that media or parcel of a partially deleted site, including operation and maintenance of the remedy, monitoring, and five-year reviews. These activities for the site are entered in Table 1, if applicable, under Footnote such that; 1 = site has continued operation and maintenance of the remedy, 2 = site receives continued monitoring, and 3 = site five-year reviews are conducted.

For the Lake Sandy Jo Site, the Footnote in Table 1 includes values for 1, 2, and 3, indicating that O&M, monitoring and FYRs will continue at the Site.

Finally, Sections II and IV of the *Federal Register* notice explain that the rationale and data that EPA relied on to determine that the Superfund response is complete for the portions of the sites proposed for partial deletion are available for public inspection and copying in the deletion dockets, which are available at Regulations.gov and at the Regional Records Centers listed in the notice. For the Lake Sandy Jo Site, this information is summarized in EPA’s *Site-Specific Justification for the Partial Deletion*

report (see <https://semspub.epa.gov/work/05/961435.pdf>) and supported by approximately 120 other reports in the Site's Deletion Docket which is available on the Regulations.gov website at <https://www.regulations.gov>, Docket ID EPA-HQ-SFUND-1983-0002, by contacting EPA Region 5's Records Center, and on EPA's webpage for the Site at <https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.scs&id=0501611&doc=Y&colid=39709®ion=05&type=SC>.

APPROVAL AND RECOMMENDATION

After reviewing the public comments submitted during the public comment period and responses, I approve this Responsiveness Summary and recommend that EPA move forward with finalizing the partial deletion of the Lake Sandy Jo Site in Gary, Indiana.

Approved by:

4/9/2021

X 

Douglas Ballotti, Director
Superfund & Emergency Management Division
Signed by: DOUGLAS BALLOTTI

U.S. EPA, Region 5

ATTACHMENT

Attachment 1 – Comment Submissions

ATTACHMENT 1

Comment Submissions

(Redacted)

Cibulskis, Karen

From: [REDACTED]
Sent: Monday, December 21, 2020 4:26 PM
To: Cibulskis, Karen; Pope, Janet; Bianchin, Sheri
Subject: Lake Sandy JO Public Comment

December 21, 2020

To whom it may concern:

I am in opposition to partially deleting the Lake Sandy Jo (M&M Landfill) site from the National Priorities List. The reasons are listed below:

1. The location of the site is in an Environmental Justice Community and as such the disproportion impacts should have been considered when comments
2. There are unanswered question in the latest five year review report that warrant further investigation so the community that resides and works and worships in the area can make a sound decision regarding the deletion and subsequent redevelopment of the site (see below)

The fifth five-year review

*“ ...The remedy is protective of human health and the environment in the short-term because exposure pathways that could result in unacceptable risks are being controlled and monitored through existing ICs. Finally, the benzene concentrations in groundwater are either decreasing or stabilizing since the beginning of the groundwater monitoring at the Site and Site-related groundwater contamination can only be detected on or immediately adjacent to the Site. **No distinct plume of contamination can be delineated.**”*

3. Community notification and subsequent protective measures were not in place during the recent fire at the site.
4. Several of the COCs at the site, warrant community engagement and outreach for the community to participate in the public comment process so the can understand what the environmental risk is to humans and health impacts on an already burden community.
5. Details of The Indiana Department of Environmental Management (IDEM) ability to provide oversight and maintain institutional controls were not shared with the public.
6. A Public Health study was not conducted after the fire on November 5th.
7. The Air sampling results were not shared with the community after the November 5th fire.
8. The amount of medical waste being generated by the COVID19 pandemic will
9. The repository has not been maintained at the Gary Public Library with the latest documents dating to 1999. Lack of the repository makes it difficult for people to get access to information outside of doing a FOIA.

Sincerely,

[REDACTED]

Owner

[REDACTED]

Cibulskis, Karen

From: [REDACTED]
Sent: Monday, December 21, 2020 3:17 PM
To: Cibulskis, Karen
Subject: LAKE SANDY JO

Good afternoon,

This email is to provide preliminary comments regarding Lake Sandy Jo. As a resident of Gary, Indiana, I would like for the Environmental Protection Agency to provide some type of community forum to discuss Lake Sandy Jo before a final decision is made to remove this site from the superfund list.

There have been comments on Facebook which showed that there are people in our community who are concerned that Lake Sandy Jo is still contaminated. Therefore, I would ask that the Environmental Protection Agency provide copies of the studies and the reports which the Environmental Protection Agency is relying on to prove that Lake Sandy Jo is not contaminated. There have been concerns expressed in the community that the Environmental Protection Agency wants to hurry up and take Lake Sandy Jo off of its superfund list so that the Environmental Protection Agency does not have to be responsible for Lake Sandy Jo. It is very important that the Environmental Protection Agency provide some type of forum and discussion to educate the community regarding the scientific data which shows that Lake Sandy Jo is no longer contaminated. The EPA should also provide scientific data regarding the cancer rates, asthma rates and other health problems regarding the residents who live in close proximity to Lake Sandy Jo. Have these numbers decreased or increased over the years? The decision regarding whether or not Lake Sandy Jo should be removed from the superfund list should be grounded in science.

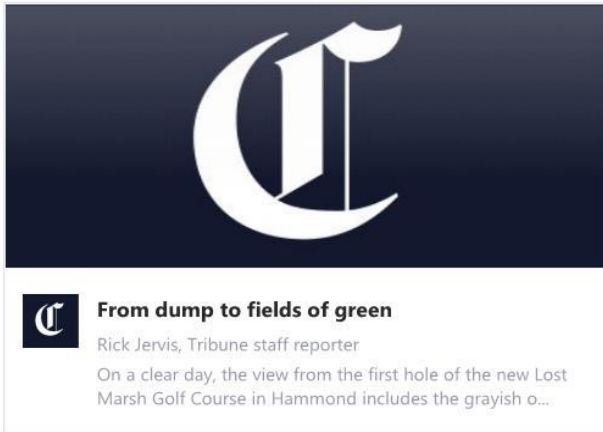
Additionally, the EPA should also make sure that there is a realistic plan and strategy to redevelop Lake Sandy Jo once it is scientifically proven that Lake Sandy Jo should come off of the superfund list. As stewards of the land, it is very important that we all work together to leave the land in better condition than when we found it. The fact that other surrounding communities have been able to repurpose their former waste sites, is further evidence that Gary should be able to do the same with Lake Sandy Jo. It is important that resources and attention given to other communities which have help them to successfully repurpose their former waste sites, also be provided to Gary to redevelop and repurpose Lake Sandy Jo.

In addition to Lake Sandy Jo, the contaminated waste sites on the west side of Gary must be completely decontaminated so that they are no longer health and safety hazards for the residents of Gary. In addition to Lake Sandy Jo, the EPA should also provide information regarding the J-Pit and the former landfill off of Colfax street in Gary. Gary is a great American city and it is important that everyone work together to make sure that the city is healthy and safe. The children in our community deserve a safe, clean and healthy environment. There are communities near Gary that have been able to take former waste sites and turn them from being a liability to a valuable asset. The communities of Portage, Munster and Hammond are examples. Following, is information regarding how these communities redeveloped and repurposed their former waste sites.

1. Portage residents were able to have their former waste site redeveloped to the Portage Lakefront & Riverwalk. <https://www.nps.gov/indu/planyourvisit/portage-beach.htm>

2. Centennial Park in Munster, IN is a former landfill which is now a golf course https://www.munster.org/egov/documents/1350998257_455474.pdf#:~:text=Centennial%20Park%20is%20a%20closed,walking%20trails%2C%20and%20public%20art.

3. Lost Marsh in Hammond, Indiana was a landfill and is now a golf course. [From dump to fields of green](#)



Currently, public comments are being sought during a pandemic and the week of Christmas. More time is needed to engage the community and involve the community regarding Lake Sandy Jo.

Please let me know when Region 5 of the Environmental Protection Agency will do a community forum in Gary, Indiana regarding Lake Sandy Jo. I have submitted my preliminary comments regarding Lake Sandy Jo and will submit more in the future upon receiving additional information.

Thank you.

Atty. [REDACTED]
[REDACTED] LAW GROUP LLC
[REDACTED]
Gary, IN 46401
[REDACTED]

PUBLIC SUBMISSION

As of: 1/4/21 9:27 AM
Received: December 17, 2020
Status: Posted
Posted: December 21, 2020
Tracking No. kit-nj5w-rc78
Comments Due: December 21, 2020
Submission Type: Web

Docket: EPA-HQ-SFUND-1983-0002

National Oil and Hazardous Substances Pollution Contingency Plan; The National Priorities List

Comment On: EPA-HQ-SFUND-1983-0002-1083

Proposed Deletions from the National Priorities List for Lake Sandy Jo (M&M Landfill)

Document: EPA-HQ-SFUND-1983-0002-1217

Comment submitted by S. [REDACTED]

Submitter Information

Name: Sam [REDACTED]
Address:
[REDACTED] WI, [REDACTED]
Email: [REDACTED]@gmail.com
Phone: [REDACTED]

General Comment

The proper procedures and considerations seem to have all been made in this proposed rule. The EPA seems to have established a fairly reasonable system by which they determine if a site meets criteria for deletion and procedure for deleting the site. Ample opportunity is made for public comment as well. Here is a brief list of my thoughts:

I. Introduction

a. Nowhere in this proposed rule is there an explicit definition for the term "partially delete". This should be defined to avoid confusion.

i. By my understanding, partially delete could mean that only a small portion of the site in question is being removed from the NPL. If this is the case, how can the justifiably call one portion of a site safe while it is still in close proximity to the rest of the site that is still deemed unsafe or threatening to public health?

ii. Partially delete could also mean the site is moving to some sort of transition stage, technically off the list but not entirely deemed clear yet. It is not particularly clear given the wording of the rule.

b. A site should not be removed from the priority list simply because it does no longer presents a "significant risk to public health". If a site can still pose a threat to public health or the environment, even if it is not deemed "significant" by the EPA, it still requires some level of attention. It is my personal belief that remedial work should continue to be done on the site until it poses no threat to public safety or its surrounding environment.

II. NPL Deletion Criteria

a. Continuation of previous comment, I take issue with the third point of deletion criteria listed. They claim that the taking of remedial measures is no longer appropriate once a significant threat is not seen.

III. Deletion Procedures

a. The fifth point of the listed deletion procedures is fantastic. It shows a desire for clarity and public

1/4/2021

<https://fdms4.fdms.gov/fdms/getcontent?objectId=09000064849a6b85&format=xml&showorig=false>

input on environmental policies like these. I believe things like this, if successful, can show the effectiveness of getting the general public informed and involved with legislative issues. Overall, I believe this proposed ruling should pass. Though I do take issue with the choice not to require a full clean up of each site, that would require a larger reworking of the defining legislation. For the goal that they have laid out for themselves, by all indications the EPA has taken the necessary steps to ensure that criteria for deletion have been met and that the public have ample opportunity to comment on this proposition.

<https://fdms4.fdms.gov/fdms/getcontent?objectId=09000064849a6b85&format=xml&showorig=false>

2/2